

III. REMARKS

1. Claims 1, 8, 10, and 19 are not unpatentable over Cahill (US 5,287,556) in view of Hammes (US2003/0156052) under 35 U.S.C. §103(a), because Hammes is not prior art against Applicant's application.

Cahill (US 5,287,556) relates to interference reduction using an adaptive receiver filter, signal strength, and BER sensing. The radio receiver of Cahill comprises a variable passband received channel filter to reduce interference. The variable passband received channel filter is implemented for both in-phase and quadrature phase branches. If the signal strength (RSSI) is high enough and BER is not good enough, the bandwidth is narrowed to improve BER. The receiver has an energy estimator which measures the signal strength at the outputs of the variable passband received channel filters. The receiver determines the BER on the basis of the path metric output of the decoder of the receiver.

The portion of Cahill referred to by the Examiner, (Col. 4, line 55- col. 5, line 25) is that the passband of the filter (see lines 62-64) is changed when necessary. Cahill also does not use a reference signal as claimed by Applicant. The measurement of the RSSI in Cahill is performed on the basis of the received signal e.g. a signal of a TDMA network. This is not the same as what is claimed by Applicant.

Also, Cahill does not disclose or suggest the determination of the location of the passband of the filter on the basis of the measurement on the strength of the output signal of the filter as is recited by Applicant in claim 1. The measurement data of Cahill is only used to determine whether the signal strength is high enough or not.

Applicant's priority date is December 4, 2000 (Finnish Application No. 2000252). The earliest date that Hammes is entitled to is March 10, 2003. Pursuant to 35 U.S.C. §102(e) entitlement to the filing date of a PCT application designates the United States and is published in English. Although Hammes is a continuation of application No. PCT/DE01/03426, filed on September 6, 2001, it "was not published in English". (See page 1, paragraph [0001]).

Thus, Hammes is not entitled to the earlier filing date and is not prior art against Applicant's invention.

Furthermore, Cahill does not disclose or suggest each feature of Applicant's invention as recited in claim 1. In particular, Cahill does not disclose or suggest "changing the frequency of said at least one reference signal" as recited in claim 1.

Thus, Cahill does not disclose or suggest each limitation of Applicant's claims, and its combination with Hammes and Ford cannot as well.

Additionally, Hammes only discloses a receiver circuit, particularly for a mobile radio. The receiver circuit is quite straightforward comprising a low-noise high frequency amplifier, a mixer, a channel filter, a limiter, a sigma-delta converter, a decimation element and a digital demodulator. It is disclosed that the channel filter is a complex filter, namely a polyphase filter. Hammes does not disclose anything about measuring a signal strength or changing the frequency of a reference signal. Thus, its combination with Cahill cannot disclose or suggest each feature of Applicant's invention as recited in claims 1, 8, 10 and 19.

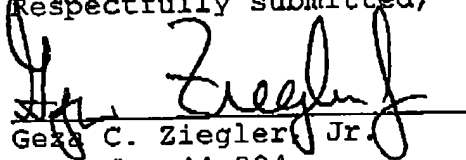
2. Claims 2-6 and 11-17 are not unpatentable over Cahill and Hammes in view of Ford. As noted above, Hammes is not proper prior art. Cahill does not disclose or suggest each feature of Applicant's invention. Ford does not overcome the above-

noted deficiencies for the reasons previously set forth. Therefore, these claims should at least be allowable by reason of their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of \$120.00 for a one-month extension of time and any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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7 September 2005
Date

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